

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Vernon E. Johnson,) Case No. 0:17-cv-00180-DCC
)
Plaintiff,)
)
v.) **ORDER**
)
Commissioner of Social Security,)
)
Defendant.)

)

On August 14, 2018, Nowell Stanley Lesser, counsel for Plaintiff, filed a motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA") ECF No. 29. In the motion, Lesser requests reimbursement for representation provided in the above-referenced case in the amount \$6,734.74. *Id.* The Commissioner filed a stipulation by and between the parties to an attorney fee of \$5,500.00. ECF No. 30. Accordingly, the court grants Plaintiff's motion and directs the Commissioner to pay Plaintiff the stipulated sum of \$5,500.00. Such payment shall constitute a complete release from and bar to any and all further claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision.

This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. Under *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528–29 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). In the event Plaintiff has no

present debt subject to offset and Plaintiff has executed a proper assignment to Plaintiff's counsel, Defendant is directed to make the payment due to Plaintiff's counsel. If Plaintiff has no debt subject to offset and no proper assignment has been made by Plaintiff to counsel, Defendant is directed to make the check due pursuant to this Order payable to Plaintiff and delivered to Plaintiff's counsel.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

September 17, 2018
Spartanburg, South Carolina